

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P O Box 68
Kremmling, CO 80459**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-LLCON02000-2014-015-DNA

CASEFILE/PROJECT NUMBER: 0501748

PROJECT NAME: Livestock Grazing Preference Renewal

LEGAL DESCRIPTION: Public land associated with BLM grazing permit #0501748:

Allotment # 07089(Scattered):

All or part of T. 6 N., R. 80 W., Sec. 13, 24, 26;
T. 6 N., R. 79 W., Sec. 19, 6th P.M.

Allotment # 07092:

All or part of T. 6 N., R. 80 W., Sec. 25, 26, 35, 36;
All or part of T. 6 N., R. 79 W., Sec. 21, 28, 29, 6th P.M.

Allotment # 07141(Illinois R. Ranch):

All or part of T. 7 N., R. 79 W., Sec. 1, 12, 13, 14, 15, 24, 34, 36;
T. 7 N., R. 78 W., Sec. 7, 18, 30, 31;
T. 6 N., R. 79 W., Sec. 1, 2, 12;
T. 7 N., R. 79 W., Sec. 6, 7, 6th P.M.

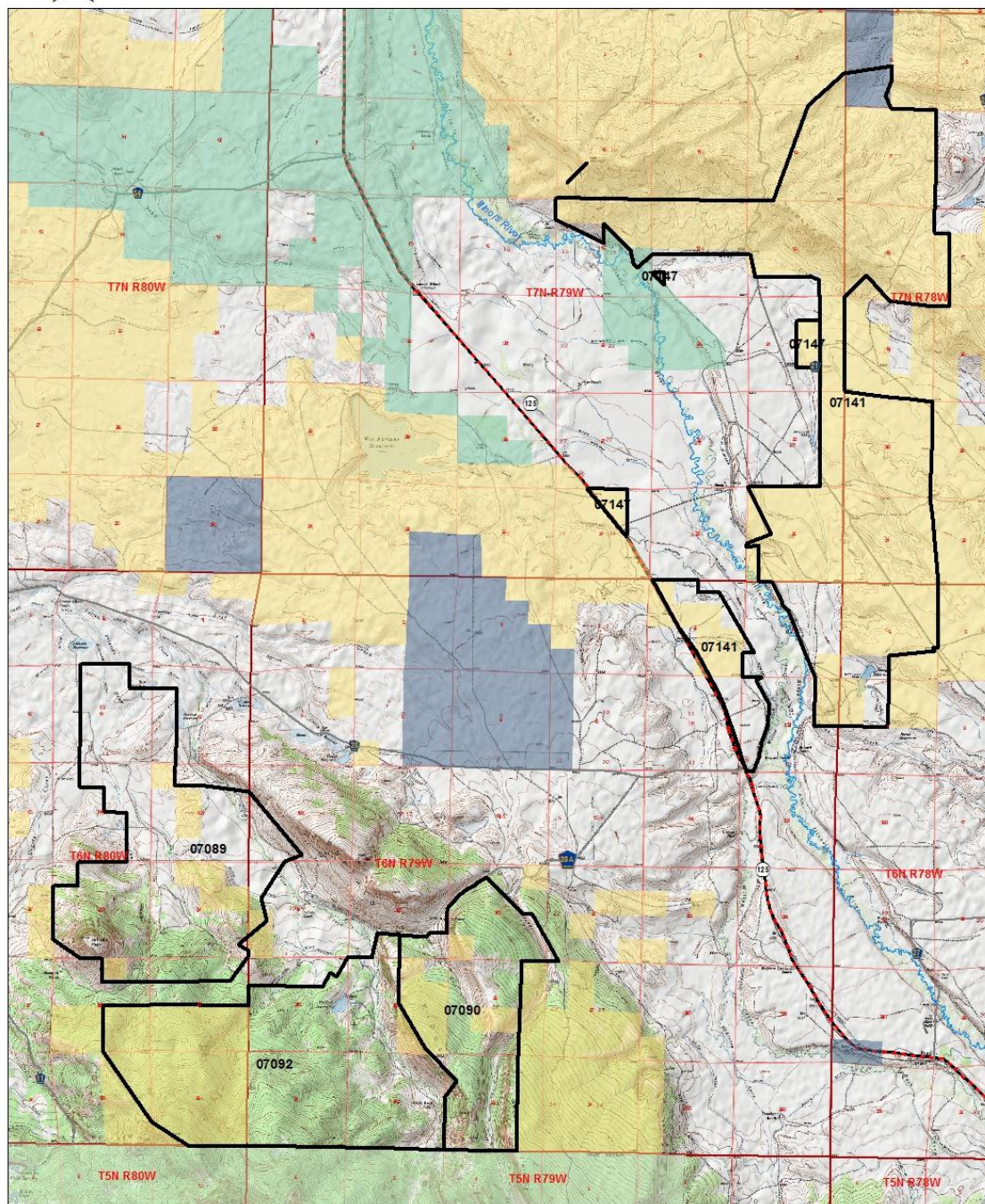
Allotment #07147 (Illinois River Scattered):

All or part of T. 7 N., R. 79 W., Sec. 14, 24, 34.

Allotment #07090 (Buffalo Creek):

All or part of T. 6 N., R. 80 W., Sec. 11, 12, 14, 13, 24, 23, 25, 26;
T. 6 N., R. 79 W., Sec. 18, 19, 6th P.M.

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BLM, Kremmling FO 2010

Red box shows map location.

Legend

- buffalo creek ranch
- Highway Labels

State Highways

Legend

- U.S./State

ROUTE SIGN

- Interstate

1

Miles



1:59,978

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data. Last edited by cll.

APPLICANT: Buffalo Creek Land and Cattle Co.

ISSUES AND CONCERNS: NONE

DESCRIPTION OF PROPOSED ACTION:

Buffalo Creek Land and Cattle Co. has applied to renew livestock grazing permit #0501748 with the Standard Terms and Conditions (see attachment) for a period of ten years beginning March 1, 2014, and expiring February 28, 2024. The renewed permit would authorize livestock grazing to the following extent:

Allotment	Livestock		Period		%Public Land **	*AUMs
	Number	Kind	Begin	End		
07089 Scattered	133	cattle	6/1	9/30	7	37
07090	300	cattle	6/16	7/11	19	49
07092 Linpore	253	cattle	8/01	8/21	84	147
07141 Illinois Ranch	246	cattle	6/1	8/16	96	598
07141 Illinois Ranch	160	cattle	5/27	8/06	57	216
07147 Illinois R Scattered	140	cattle	6/01	6/30	100	138

*AUM = animal unit month = amount of forage required to support 1 cow and calf for 1 month.

** % Public Land is the percentage of forage within the public land (BLM) portion of the allotment.

The number/kind of livestock, period of use, percent public land and Animal Unit Months (AUMS) will remain the same as the previous permit. The permit would be issued for a 10-year period, unless the base property is leased for less, but for purposes of the DNA we are assuming 10 years of grazing by this applicant. The proposed action is in accordance with 43 CFR 4130.2. Scheduled grazing use and grazing preference for the permit are summarized above.

Decision to be Made: The decision to renew the above Grazing Authorization #0501748 for the applicant Buffalo Creek Land and Cattle Co. The renewed permit would be subject to the existing authorized grazing plan, mitigation measures, compliance and monitoring.

PLAN CONFORMANCE REVIEW:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Livestock grazing pages 6 through 8, as revised.

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Decision Language: Objectives of the RMP/ROD include allocation of a base level livestock forage and maintaining or improving forage production and condition in areas where livestock grazing is a priority or is compatible with the land use priority. The RMP/Rod designated portions of the project area with an Oil and Gas and Wildlife priority and portions with no priority. Livestock grazing is compatible with this designation.

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: : CO-120-2004-08 EA Date Approved: 4-26-04

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial? **YES**

The new livestock grazing permit will contain the same terms and conditions, stocking rate and grazing schedule as the permits issued in 2009 and 2010.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values? **YES**

Yes, the allotments were meeting standards for land health, a grazing system has been implemented and there will be a continuation of current management.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action? There is no new information. **YES**

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? **YES**

The new permit is a continuation of the current management.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

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Yes, no issues or concerns were identified in previous scoping.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 12/12/2013. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Area of Responsibility	Date Review Completed
Bill B. Wyatt	Staff Archaeologist	Archaeology/Tribal Consultation, Paleontology	2/5/2014
Paula Belcher	Hydrologist	Soil, Water, Air, and Riparian	1/22/2014
Megan McGuire	Wildlife Biologist	T&E Species	12/16/2013

REMARKS:

Cultural Resources: Range permit renewals are undertakings under Section 106 of the National Historic Preservation Act. Range improvements associated with the allotment (e.g., fences, spring improvements) are subject to compliance requirements under Section 106 and would undergo standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment was completed for each allotment in March, 2004, and a Class I file review was conducted in 2014, following the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-00-026. The results of the assessment are summarized in the tables below. Copies of the cultural resource assessments are in the Kremmling Field Office archaeology files.

Environmental Consequences/Mitigation: The direct impacts that occur where livestock concentrate include trampling, chiseling and churning of site soils, cultural features and cultural artifacts, artifact breakage and impacts from standing, leaning and rubbing against historic structures, above ground cultural features and rock art. Indirect impacts include soil erosion, gullyng and increased potential for unlawful collection and vandalism. Continued grazing may cause substantial ground disturbance and cause cumulative, long term, irreversible adverse effects to historic properties.

All undertakings would be in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended and its implementing regulations. The BLM would determine potential effects of the undertaking including grazing activities to known historic properties that may be

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eligible for inclusion in the National Register of Historic Places and in consultation with the Colorado State Historic Preservation Officer would determine appropriate mitigation.

Allotment Number	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level	Percent of Allotment Inventoried at a Class III level	Number of Cultural Resources known in Allotment	High Potential of Historic Properties (yes/no)	Management Recommendations (Additional inventory required and historic properties to be visited)
7089	120	2777	4.14%	2	Yes; low to high	Class II inventory of approximately 7.2 acres of knoll above Buffalo Creek; record segments of Slack and West Buffalo ditches.
7090	7.35	1682.65	0.4 %	0	No; low to moderate	Class II inventory of approximately 104 acres along open ridges and mountain tops, and headwaters of E. Buffalo Creek.
7092	369.7	2874.3	17.8%	0	Yes; low to high	Class II inventory of approximately 246 acres along the drainages and mountain top.

Allotment Number	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level	Percent of Allotment Inventoried at a Class III level	Number of Cultural Resources known in Allotment	High Potential of Historic Properties (yes/no)	Management Recommendations (Additional inventory required and historic properties to be visited)
	1253	5364	18.9 %	21	Yes; moderate to high	Class III inventory of approximately 1848 acres along ephemeral drainages and uplands overlooking Illinois River and Indian Creek; Class II inventory of approximately 145 acres along upland ridges above drainages; evaluation of cultural sites 5JA47, 5JA339, 5JA340, 5JA376, 5JA427, 5JA428, 5JA429, 5JA430 & 5JA431 for livestock grazing impacts; recording of segments of the McFarlane, Howard, Pioneer and unnamed ditches.

Allotment Number	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level*	Percent -%- of Allotment Inventoried at a Class III level	Number of Cultural Resources known in allotment	High Potential of Historic Properties (yes/no)	Management Recommendations (Additional inventory required and historic properties to be visited)
7147	8.6	181.4	4.5 %	0	No; low to moderate	Class III inventory of approximately 52.5 acres along Deer Creek and unnamed tributary to Deer Creek, and Class II inventory of approximately 50 acres along uplands above Deer Creek and unnamed tributary.

Native American Religious Concerns: Tribal consultation was initiated on January 29, 2014, and to date no tribe has identified any area of traditional cultural or spiritual concern. All future Section 106 undertakings would require new tribal consultation for that action.

Paleontology: The allotments #07089, #07090, 07141, and #07147 contains the Coalmont Formation with a Potential Fossil Yield Classification (PFYC) of 3 with a condition 2 is also present with fish (fresh water fish bones and scales), beetles, and other insects, plant remains, pollen and spores, leaf and seed pod imprints. The potential for fossils is high with a potential to contain vertebrate fossils or noteworthy occurrences of invertebrate or plant fossils.

Allotment #07092 also lies within Landslide Deposits with no known fossil resources with a PFYC of 3, condition 2. The potential is high for vertebrate and invertebrate or plant fossils though none are known in the area.

Allotments #07141 and #07147 are within the Pinedale and Bull Lake Age Formation of gravels and alluviums that are PFYC 3 with a condition 2 and known to contain sharks teeth and other petrified sea and lake life (redeposited?), horse, large bovid, and gastropods (snails). The other formation is of even older gravels and Alluviums that are PFYC 3, condition 2. The potential is high for vertebrate and invertebrate or plant fossils though none are known.

Geologic formations sensitive for fossil resources are present, but will not be impacted by the proposed project. BLM standard “discovery” stipulation is part of the environmental assessment and is to be attached to any authorization allowing project to proceed.

Threatened and Endangered Plant and Wildlife Species: The Proposed Action would not impact threatened or endangered plant or wildlife species.

MITIGATION: none

COMPLIANCE PLAN:

Compliance with the renewed livestock grazing permit and its associated terms and conditions would be accomplished through the Kremmling Field Office Range Management Program. Livestock grazing would be monitored by the range staff and other area personnel, as appropriate, to ensure compliance. The Kremmling Field Office Range Monitoring Plan would be used to schedule periodic utilization checks, collect trend data, and evaluate allotment condition. When activity plans have been developed covering an allotment, monitoring methods and schedules included in them would be applied to the allotment. Changes would be made to the permit and/or leases, based on monitoring, when changes are determined necessary to protect land health.

NAME OF PREPARER: Neilie Goodwin

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM’s compliance with the requirements of the NEPA.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel
Associate Field Manager

DATE SIGNED: 2/5/14

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Kremmling Field Office
P.O. Box 68, 2103 E. Park Ave.
Kremmling, Colorado 80459-0068
www.blm.gov/co/st/en/fo/kfo.html



In Reply Refer To:
CO120(4100)

3/5/14

CERTIFIED MAIL NUMBER: 7010 2780 0002 3396 9395
RETURN RECEIPT REQUESTED

Buffalo Creek Land & Cattle LLC
PO Box 2
Rand, CO 80473

NOTICE OF PROPOSED DECISION

On February 28, 2014, your Bureau of Land Management (BLM) livestock grazing permit #0501748 will expire. To become fully processed, your livestock grazing permit has undergone review for consistency and conformance with the Kremmling Field Office Resource Management Plan and compliance with the *National Environmental Policy Act (NEPA)*. The review was conducted through the preparation of DOI-BLM-LLCON02000-2014-015-DNA. Under the authority of 43 CFR 4130.2a, 43 CFR 4130.2d, and 43 CFR 4160.1a, **it is my decision to select the Proposed Action: Renewal of livestock grazing permit #0501748 with no changes to the grazing season, number and kind of livestock, or number of animal unit months (AUMs).** Therefore, I offer you livestock grazing permit #0501748 that authorizes livestock grazing on Allotment 07089 (Scattered), Allotment 07092, Allotment 07141 (Illinois R. Ranch), Allotment 07147 (Illinois River Scattered), and Allotment 07090 (Buffalo Creek) from March 1, 2014 through February 28, 2024, unless the base property is leased for less time, in compliance with 43 CFR 4110.1 and 43 CFR 4130.2.

The public will benefit from lands which are in a healthy condition and are able to produce sustainable resources for a variety of uses. To maintain or improve public land health, the BLM will renew livestock grazing permit #0501748 consistent with provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Land Policy and Management Act*, and the Kremmling Field Office's *Resource Management Plan/Environmental Impact Statement*, as amended by the *Standards for Public Land Health in Colorado*. Terms and conditions will be applied to the livestock grazing permit which will maintain or improve the public land health.

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These terms and conditions will also meet the public's need to "Stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range; and for other purposes," as stated in the *Taylor Grazing Act*. The livestock grazing permit will be monitored by the BLM as specified in the Compliance and Monitoring Plan of the livestock grazing permit renewal DOI-BLM-LLCON02000-2014-015-DNA.

The livestock grazing permit includes terms and conditions under which the authorized use will be made. Please review the enclosed livestock grazing permit with its terms and conditions. If you accept them, sign, date, and return both copies of the grazing permit to the BLM at the address on the letterhead. Following approval by the BLM, your copy of the new permit will be sent to you.

Issuance of livestock grazing permit #0501748 constitutes a federal action requiring issuance of a proposed decision. This proposed decision affords you protest and appeal rights. These rights are as follows:

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under 43 CFR 4160.1 and 4160.2, in person or in writing to Stephanie Odell, Field Manager, Kremmling Field Office, P.O. Box 68, Kremmling, CO 80459 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reasons as to why the protested decision is in error.

In accordance with 43 CFR 4163.3a, *in the absence of a protest*, the proposed decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3 (b), *upon a timely filing of a protest*, after a review of protests received and other information pertinent to the case the Authorized Officer shall issue a final decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within thirty (30) days following receipt of the final decision or within thirty (30) days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the Authorized Officer (address is on the letterhead). The appellant must also serve a copy of the appeal by certified mail on the Office of the Regional Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise comply with the provisions of 43 CFR 4.470. If you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR

4.471(c), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm, if the stay is not granted
4. Whether the public interest favors granting the stay.

If you have questions regarding the information contained within this decision, the livestock grazing permit, or the protest and appeal process, please contact the Kremmling Field Office at (970) 724-3000.

Sincerely,

Susan Cassel
Acting Field Manager

Enclosure:

Livestock Grazing Permit #0501748 (2 copies) with Standard Terms and Conditions